

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                                   No.: 3:12-CR-76-TAV-HBG  
                                )  
                                )  
JIMMY DEAN CARROLL,      )  
                                )  
Defendant.                 )

**ORDER**

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton, on April 1, 2014 (the “R&R”) [Doc. 22]. There have been no timely objections to the R&R and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. In the R&R, Magistrate Judge Guyton recommends that an order be entered denying the defendant’s request for appointment of counsel and the Motion to Appoint Counsel to File Direct Appeal [Doc. 20] be dismissed without prejudice to refile in the form of a motion to vacate under 28 U.S.C. § 2255.

After a review of the R&R and the record in this case, the Court is in agreement with Magistrate Judge Guyton’s recommendation, which the Court adopts and incorporates into its ruling. Thus, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 22] and it is **ORDERED** that the defendant’s request for appointment of counsel is hereby **DENIED**.

and his Motion to Appoint Counsel to File Direct Appeal [Doc. 20] is hereby **DENIED**  
**without prejudice to refile** in the form of a motion to vacate under 28 U.S.C. § 2255.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE